

SCOTTSDALE

CITY COUNCIL MEETING



SECOND AMENDED MEETING NOTICE AND AGENDA

[REWORDED THE TITLE FOR ITEM No. 13; ADDED CONSENT AGENDA ITEM No. 30A AND MAYOR AND COUNCIL ITEM No. 34A; REMOVED MAYOR AND COUNCIL ITEM No. 34]

COUNCIL

Mary Manross, Mayor

Betty Drake

Wayne Ecton

W.J. "Jim" Lane

Robert W. Littlefield

Ron McCullagh

Tony Nelssen

Tuesday, July 8, 2008

5:00 P.M.

CITY COUNCIL MEETING

MARKED AGENDA

Call to Order – City Hall Kiva Forum, 3939 N. Drinkwater Boulevard – **5:11 PM**

Roll Call – **ALL PRESENT**

Pledge of Allegiance – **COUNCILMAN NELSEN**

Invocation – **PAUL NEWMAN, SCOTTSDALE BIBLE CHURCH**

City Manager's Report – **MR. LITTLE INTRODUCED THE CITY'S NEW RECYCLABLE WATER BOTTLE PROGRAM. SUMMER SPECTACULAR ARTWALKS RETURN TO THE DOWNTOWN BEGINNING THURSDAY, JULY 10TH. THE SCOTTSDALE MUSEUM OF CONTEMPORARY ART WILL OFFER FREE ADMISSION TO THE MUSEUM ON "FREE FRIDAYS" IN JULY AND AUGUST. FIRE STATION NO. 2 IS IN OPERATION AND RESIDENTS ARE ENCOURAGED TO VISIT THE FIREFIGHTERS AT THEIR LEED CERTIFIED FACILITY. THE ARABIAN LIBRARY WAS FEATURED IN THE JUNE ISSUE OF ARCHITECTURAL REVIEW AND WON THE 2008 LIBRARY ADMINISTRATION MANAGEMENT ASSOCIATION AND INTERNATIONAL INTERIOR DESIGN ASSOCIATION COMPETITIONS FOR DESIGN. THE PUBLIC IS INVITED TO MIGHTY MUD MANIA SCHEDULED FOR JULY 18, 2008 AT CHAPARRAL PARK.**

Presentations/Information Updates

Approval of Minutes

- OK – 7/0

REGULAR MEETINGS

SPECIAL MEETINGS

WORK STUDY SESSIONS

EXECUTIVE SESSIONS

June 17, 2008

3:00 PM, June 24, 2008

5:00 PM, June 24, 2008

Public Comment – **LAMAR WHITMER PRESENTED A CITIZEN PETITION ASKING THE COUNCIL TO EXPLORE PRIVATIZING THE CITY WATER SYSTEM AND USING THE PROCEEDS TO ACQUIRE LANDS WITHIN THE SCOTTSDALE McDOWELL SONORAN PRESERVE BOUNDARY; MIKE STEVENS URGED THE COUNCIL TO GIVE THE FINDINGS OF THE DOWNTOWN PLANNING PROCESS DUE CONSIDERATION AND NOT TO ALLOW THE CITY TO BE GOVERNED BY PETITION; JOANN ELY SAID THAT A WALL NEEDS TO BE INSTALLED ON THE WEST SIDE OF PIMA ROAD SOUTH OF INDIAN SCHOOL ROAD TO DEFLECT FREEWAY NOISE, AND ASKED THAT A LEFT-TURN SIGNAL BE INSTALLED AT THE INDIAN SCHOOL AND PIMA ROAD INTERSECTION.**

Citizens may complete one Request to Speak "Public Comment" card per night and submit it to the City Clerk before or during this evening's meeting. Please check the box that refers to "Public Comment." This "Public Comment" time is reserved for citizen comments regarding non-agendized items. No official Council action can be taken on these items. **Speakers are limited to three minutes to address the Council during "Public Comment" time.**



PERSONS WITH A DISABILITY MAY REQUEST A REASONABLE ACCOMMODATION BY CONTACTING THE CITY CLERK'S OFFICE AT (480-312-2412). REQUESTS SHOULD BE MADE 24 HOURS IN ADVANCE, OR AS EARLY AS POSSIBLE TO ALLOW TIME TO ARRANGE ACCOMMODATION. FOR TTY USERS, THE ARIZONA RELAY SERVICE (1-800-367-8939) MAY CONTACT THE CITY CLERK'S OFFICE (480-312-2412).

CONSENT AGENDA

ITEMS 1-30A

July 8, 2008

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How the Consent Agenda Works: The Council may take one vote to act on all items on the Consent Agenda, or may remove items for further discussion. Every interested citizen will have one opportunity to speak on any or all Consent Agenda items. If you wish to speak on these items, please complete a Request to Speak card for each topic you wish to address. **You will be given at least three minutes to speak on all the Consent Agenda items you wish to address. Additional time for multiple agenda items will be at the Mayor's discretion.**

After all speakers have finished, the City Council will decide which items to remove for additional discussion and/or presentation from staff. Items not removed from the Consent Agenda will be considered in one motion. Items removed for clarification or discussion by the Council will be acted on as appropriate.

1. **The Mission Restaurant Liquor License (45-LL-2008) – APPROVED ON CONSENT**
Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a Series 12 (restaurant) liquor license for an existing location with a new owner.
Location: 3815 N. Brown Avenue
Staff Contact(s): Connie Padian, Interim Planning and Development Services General Manager, 480-312-2664, cpadian@scottsdaleaz.gov
2. **J. Alexander's Restaurant Liquor License (46-LL-2008) – APPROVED ON CONSENT**
Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a Series 12 (restaurant) liquor license for a new location with a new owner.
Location: 6166 N. Scottsdale Road
Staff Contact(s): Connie Padian, Interim Planning and Development Services General Manager, 480-312-2664, cpadian@scottsdaleaz.gov
3. **Imagine Spain Restaurant Liquor License (47-LL-2008) – APPROVED ON CONSENT**
Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a Series 12 (restaurant) liquor license for an existing location with a new owner.
Location: 7000 E. Shea Boulevard, Suite 125
Staff Contact(s): Connie Padian, Interim Planning and Development Services General Manager, 480-312-2664, cpadian@scottsdaleaz.gov
4. **Primetime Sports Grill Restaurant Liquor License (49-LL-2008) – APPROVED ON CONSENT**
Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a Series 12 (restaurant) liquor license for an existing location with a new owner.
Location: 20701 N. Scottsdale Road, Suites C1 and C2
Staff Contact(s): Connie Padian, Interim Planning and Development Services General Manager, 480-312-2664, cpadian@scottsdaleaz.gov
5. **Greasewood Flat and Reata Pass Steakhouse Bar and Restaurant Liquor Licenses (51-LL-2008) – APPROVED ON CONSENT**
Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for an acquisition of control change for an existing Series 6 (bar) and Series 12 (restaurant) liquor license.
Location: 27500 N. Alma School Parkway
Staff Contact(s): Connie Padian, Interim Planning and Development Services General Manager, 480-312-2664, cpadian@scottsdaleaz.gov

CONSENT AGENDA

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6. **Taneko Japanese Tavern Permanent Extension of Premises (26-EX-2008)** – APPROVED ON CONSENT
Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a permanent extension of premises for Taneko Japanese Tavern.
Location: 6166 N. Scottsdale Road, Suite 601
Staff Contact(s): Connie Padian, Interim Planning and Development Services General Manager, 480-312-2664, cpadian@scottsdaleaz.gov
7. **Ranches at Stagecoach Pass Rezoning (18-ZN-2006)** – APPROVED ON CONSENT
Requests:
1. Approve a Density Incentive bonus with amended development standards for a 20± acre subdivision zoned Single Family Residential District, Environmentally Sensitive Lands (R1-190 ESL). The Density Incentive would increase the number of lots from four to five.
2. Adopt **Ordinance No. 3798** affirming the Density Incentive bonus.
Location: 36180 N. Windmill Road
Related Policies, References: 142-DR-1986, 9-ZN-2005, 37-NP-2005
Staff Contact(s): Connie Padian, Interim Planning and Development Services General Manager, 480-312-2664, cpadian@scottsdaleaz.gov; Lusia Galav, Current Planning Director, 480-312-2506, lgalav@scottsdaleaz.gov
8. **Cambria Suites and Pima Condominium Suites Conditional Use Permit (16-UP-2007)** – APPROVED ON CONSENT, FINDING IN CONFORMANCE WITH CONDITIONAL USE PERMIT CRITERIA
Requests:
1. Amend an existing Conditional Use Permit for the redevelopment of an existing hotel establishment.
2. Adopt **Resolution No. 7635** affirming the Conditional Use Permit and finding that the conditional use permit criteria have been met.
Location: 7330 N. Pima Road
Related Policies, References:
 - 5-PP-2008, preliminary approval for a re-plat of the portion of the Inner Circle Subdivision where the hotel property is located.
 - 30-UP-1999, an approval for a Conditional Use Permit request to install three personal wireless service facilities located on flagpoles.
 - 150-DR-1983, an approval for a development review application to the dining room, recreation, and laundry rooms expansion.
 - 27-BA-1981, an approval of a variance request to reduce the parking and open space requirements.
 - 31-BA-1980, an approval of a variance to construct a six-foot fence in the front yard.
 - 12-DR-1979#4, an approval of a development review application for a 34-unit hotel building.
 - 12-DR-1979#3, an approval of a development review application for exterior elevation changes.
 - 6-UP-1979, an approval of a Conditional Use Permit request to amend the site plan approved under 14-UP-1972.
 - 14-UP-1972, an approval of a Conditional Use Permit request for the country club facilities for 180 hotel rooms.
 - 4-Z-1972, an approval of rezoning from R-5 to R-5 PCD.
 - 2-UP-1967, an approval of a Conditional Use Permit request to allow the addition of a 15-room inn to the existing golf resort.**Staff Contact(s):** Connie Padian, Interim Planning and Development Services General Manager, 480-312-2664, cpadian@scottsdaleaz.gov; Lusia Galav, Current Planning Director, 480-312-2506, lgalav@scottsdaleaz.gov

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9. **Drift Conditional Use Permit (21-UP-2007)** – MOTION TO CONTINUE TO AUGUST 18, 2008 – OK – 7/0
Requests:
1. Approve a Conditional Use Permit for a bar at an existing restaurant (Drift).
2. Adopt **Resolution No. 7666** affirming the Conditional Use Permit for a bar and finding that the conditional use permit criteria have been met.
Location: 4341 N. 75th Street
Related Policies, References: Downtown Plan
Staff Contact(s): Connie Padian, Interim Planning and Development Services General Manager, 480-312-2664, cpadian@scottsdaleaz.gov; Lusia Galav, Current Planning Director, 480-312-2506, lgalav@scottsdaleaz.gov
10. **The 4020 Building In Lieu Parking Request (2-IP-2008)** – APPROVED ON CONSENT
Requests:
1. Approve the purchase of four in-lieu parking credits.
2. Adopt **Resolution No. 7656** affirming the purchase.
Location: 4020 N. Scottsdale Road
Staff Contact(s): Connie Padian, Interim Planning and Development Services General Manager, 480-312-2664, cpadian@scottsdaleaz.gov; Lusia Galav, Current Planning Director, 480-312-2506, lgalav@scottsdaleaz.gov
11. **Consideration of Request to Permit Teletrack Wagering on Dog Races** – MOTION TO DIRECT STAFF TO COMMENCE THE WORK NECESSARY TO AMEND ARTICLE 16 OF THE SCOTTSDALE REVISED CODE TO INCLUDE TELETRACK WAGERING ON DOG RACES – OK – 6/1 (MM)
Request: Consider options and provide direction to staff regarding the possible amendment of Article 16 of the Scottsdale Revised Code to include teletrack wagering on dog races.
Staff Contact(s): Neal Shearer, Assistant City Manager, 480-312-2604, nshearer@scottsdaleaz.gov
12. **Authorization to Negotiate a Development Agreement for the Creation of a Western Museum in Downtown Scottsdale** – APPROVED ON CONSENT
Request: Adopt **Resolution No. 7660** authorizing the negotiation of a development agreement with the Trustees of the Scottsdale Museum of the West for the funding, design, construction, maintenance, and operation of a western museum in downtown Scottsdale.
Related Policies, References: Scottsdale Museum of the West Feasibility Study, March 2006
Staff Contact(s): Michelle Korf, Acting Downtown Group Executive Director, 480-312-2539, mkorf@scottsdaleaz.gov
- ***13. **City Court Case Management System Programming Services Contract** – APPROVED ON CONSENT
Request: Adopt **Resolution No. 7668** approving Professional Services Contract No. 2008-129-COS with Computer Information Technology Corporation to provide .NET programming services for the City Court's case management system.
Related Policies, References:
• Resolution No. 7220, dated June 19, 2007, authorized Intergovernmental Agreement No. 2007-062-COS, between the City and five West Valley cities (Avondale, Glendale, Goodyear, Peoria, and Surprise), providing for the sharing of the AZTEC WIZARD™ computer program developed by Scottsdale City Court staff.
• Sole Source No. 08SS109
Staff Contact(s): Janet Cornell, Court Administrator, 480-312-2775, jcornell@scottsdaleaz.gov

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14. **Fiscal Year 2008/09 Audit Plan for the City Auditor's Office – APPROVED ON CONSENT**
Request: Consider and approve the Audit Plan for the City Auditor's Office.
Related Policies, References:
 - City Charter, Article 2, Section 20, "Internal Auditor"
 - City Ordinance, Chapter 2, Article III, Division 6, "City Auditor"**Staff Contact(s):** Brent Stockwell, Acting City Auditor, 480-312-7288, bstockwell@scottsdaleaz.gov
15. **Contract for Legal Services in Anticipation of Litigation Related to Possible Acquisition of Arizona American Water Company Paradise Valley Division Assets – MOTION TO CONTINUE UNTIL AFTER RECEIPT OF ENGINEERING ANALYSIS DIED FOR LACK OF A SECOND MOTION TO APPROVE – OK – 6/1 (JL)**
Request: Adopt **Resolution No. 7665** authorizing the Mayor to execute Contract for Legal Services No. 2008-128-COS between the City and the law firm of Sacks Tierney P.A. for legal services in anticipation of litigation related to the possible acquisition or condemnation of the assets of Arizona American Water Company, Paradise Valley Water District.
Staff Contact(s): Deborah Robberson, City Attorney, (480) 312-2405, drobberson@scottsdaleaz.gov
16. **Intergovernmental Agreements with the Maricopa Association of Governments for Pima Road Improvement Projects – APPROVED ON CONSENT**
Requests:
 1. Adopt **Resolution No. 7619** authorizing the Mayor to execute Intergovernmental Agreement No. 2008-087-COS with the Maricopa Association of Governments (MAG) for project administration and reimbursement of eligible costs incurred by the City for roadway improvements along Pima Road from State Route 101 to Thompson Peak Parkway.
 2. Adopt **Resolution No. 7620** authorizing the Mayor to execute Intergovernmental Agreement No. 2008-088-COS with MAG for project administration and reimbursement of eligible costs incurred by the City for roadway improvements along Pima Road from Thompson Peak Parkway to Pinnacle Peak Road.**Related Policies, References:**
 - MAG Arterial Life Cycle Program dated February 27, 2008
 - MAG Arterial Life Cycle Program Policies and Procedures dated December 19, 2007
 - City Procurement Code
 - Code of Federal Regulations
 - FY 2008/09 Capital Improvement Program Budget**Staff Contact(s):** Mary O'Connor, Transportation General Manager, 480-312-2334, moconnor@scottsdaleaz.gov
17. **Development Agreement with Hidden Hills of Scottsdale Community Association – APPROVED ON CONSENT**
Request: Adopt **Resolution No. 7628** authorizing Development Agreement No. 2008-090-COS with the Hidden Hills of Scottsdale Community Association for property generally located on 145th Way north of Via Linda.
Related Policies, References:
 - General Plan – Community Mobility Element, 2001
 - Transportation Master Plan, 2008
 - FY 2008/09 Capital Improvement Program Budget**Staff Contact(s):** Mary O'Connor, Transportation General Manager, 480-312-2334, moconnor@scottsdaleaz.gov

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18. **Code Amendment Modifying the Number of Members on the Scottsdale Pride Commission** – APPROVED ON CONSENT

Request: Adopt **Ordinance No. 3794** amending Scottsdale Revised Code Section 2-376 to modify the number of Scottsdale Pride Commission members from 15 to 11, as recommended by the Scottsdale Pride Commission.

Related Policies, References:

- City of Scottsdale Charter, Article V, Section 1. Appointive Boards and Commissions
- Scottsdale Revised Code, Chapter 2, Article V, Sections 2-241 through 2-242. Boards and Commissions, Generally; and Chapter 2, Article V, Sec. 2-376. Creations; Membership
- Ordinance No. 3732, establishing the Scottsdale Pride Commission

Staff Contact(s): Raun Keagy, Citizen and Neighborhood Resources General Manager, 480-312-2373, rkeagy@scottsdaleaz.gov

19. **Neighborhood Enhancement Partnership Project Applications** – APPROVED ON CONSENT

Request: Adopt **Resolution No. 7663** approving funding for four Neighborhood Enhancement Partnership (NEP) project applications, as recommended by the Neighborhood Enhancement Commission following their Spring 2008 application cycle.

Related Policies, References:

- NEP Program Guidelines, 2006
- Draft Minutes from the June 4, 2008 Neighborhood Enhancement Commission Meeting

Staff Contact(s): Raun Keagy, Citizen and Neighborhood Resources General Manager, 480-312-2373, rkeagy@scottsdaleaz.gov

20. **Scottsdale Classic LLC WestWorld Facility Use Agreement** – APPROVED ON CONSENT

Request: Adopt **Resolution No. 7667** authorizing Contract No. 2008-097-COS with Scottsdale LLC for the use of WestWorld's equestrian facilities.

Related Policies, References: The existing multi-year contract with Scottsdale Classic was executed in 2005 and expired at the end of the move-out period of the 2007 event. Scottsdale Classic and the City have determined it is in both parties' interests to enter into a new three-year agreement.

Staff Contact(s): Brian Dygert, WestWorld General Manager, 480-312-6825, bdygert@scottsdaleaz.gov

21. **Budget Contingency Transfer to Establish WestWorld Feed and Bedding Program** – APPROVED ON CONSENT

Requests:

1. Adopt **Resolution No. 7664** authorizing WestWorld to establish the Feed and Bedding program.
2. Authorize a \$208,000 General Fund operating budget contingency transfer to WestWorld's Property for Resale expenditure and Computer Equipment accounts to fund the request.

Staff Contact(s): Brian Dygert, WestWorld General Manager, 480-312-6825, bdygert@scottsdaleaz.gov

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22. Capital Budget Transfer for the Hayden and Via de Ventura Intersection Improvement Project – APPROVED ON CONSENT

Request: Adopt **Resolution No. 7650** authorizing a capital budget transfer in the amount of \$1,000,000 from CIP Project No. S0405, Freeway Frontage Road North – Hayden to Scottsdale, to CIP Project No. S0306, Hayden Road and Via de Ventura Intersection Improvements.

Related Policies, References:

- On September 21, 2004, Council approved Engineering Services Contract No. 2004-115-COS with Parsons, Brinckerhoff, Quade and Douglas, Inc., for the design of Hayden Road and Via de Ventura intersection improvements.
- On September 19, 2006, Council approved Intergovernmental Agreement No. 2006-130-COS between the City and the State of Arizona for the construction of Hayden Road and Via de Ventura intersection improvements.

Staff Contact(s): Dan Worth, Municipal Services General Manager, 480-312-2776, dworth@scottsdaleaz.gov

23. Northeast Pumpback Station Wireless Antenna Facility License Agreement – APPROVED ON CONSENT

Requests:

1. Adopt **Resolution No. 7651** authorizing Agreement No. 2008-098-COS with Verizon Wireless (VAW), LLC, a Delaware limited liability company, for a wireless site in the Northeast Pumpback Station located at the northeast corner of 87th Street and Sweetwater Avenue.
2. Adopt **Resolution No. 7654** confirming removal of deed restrictions at Sundown Manor Unit 2, Lots 2 through 8, located at the northeast corner of 87th Street and Sweetwater Avenue.

Related Policies, References:

- Chapter 2, Article IV, Division 5, Section 2-221(c) of the Scottsdale Revised Code permits the City to allow outside parties to use City-owned real property by means of a revocable license agreement.
- Wireless Communications Facilities Ordinance Amendment approved by the City Council on March 4, 2003.

Staff Contact(s): Dan Worth, Municipal Services General Manager, 480-312-2776, dworth@scottsdaleaz.gov

24. Gateway Access Area (Preserve Trailhead) Improvements Phase 2 Construction Services Contract Modification – APPROVED ON CONSENT

Request: Adopt **Resolution No. 7594** authorizing CM@Risk Contract Modification No. 2008-078-COS-A1 with Valley Rain Construction Corporation for Phase 2 construction services at the Gateway Access Area (Preserve Trailhead) for a guaranteed maximum price of \$4,340,000.

Related Policies, References:

- McDowell Sonoran Preserve Access Areas Report approved by the McDowell Sonoran Preserve Commission, accepted by the Council in 1994 and updated in 1999.
- Conceptual Preserve Trails Plan approved by the McDowell Sonoran Preserve Commission and accepted by the Council in 1998.
- Trails Master Plan approved by the Council in February 2004.
- McDowell Sonoran Preserve Access Area Design and Site Standards Manual (serves as the basis for preparation of the design and construction plans for the Gateway Access Area amenities).
- Preserve Ordinance approved by the Council in May 2000 (establishes general rules and regulations for activities in the McDowell Sonoran Preserve).

Staff Contact(s): Dan Worth, Municipal Services General Manager, 480-312-2776, dworth@scottsdaleaz.gov

CONSENT AGENDA

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25. Gainey Ranch Water Reclamation Facility Upgrades Design Phase Services Contract –

APPROVED ON CONSENT

Request: Adopt **Resolution No. 7642** authorizing CM@Risk Design Phase Services Contract No. 2008-095-COS with PCL Construction, Inc., in the amount of \$1,690,008 for Gainey Ranch Water Reclamation Facility upgrades.

Related Policies, References:

- On January 22, 2008, Council authorized Engineering Services Contract No. 2007-210-COS with Valentine Environmental Engineers, LLC for the design of upgrades to Gainey Ranch Water Reclamation Facility.
- On March 4, 2008, Council approved the 2008 Integrated Wastewater Master Plan.

Staff Contact(s): Dan Worth, Municipal Services General Manager, 480-312-2776, dworth@scottsdaleaz.gov; Marshall P. Brown, Water Resources General Manager, 480-312-5683, mbrown@scottsdaleaz.gov

26. Designation of City-Owned Land at the 5th Avenue Parking Garage as a Public Street Right-of-Way – APPROVED ON CONSENT

Request: Adopt **Resolution No. 7636** authorizing the designation of City-owned land between Craftsman Court and Scottsdale Road and between 5th Avenue and 3rd Avenue as a public street right-of-way for an alley and corridor for public utilities.

Staff Contact(s): Dan Worth, Municipal Services General Manager, 480-312-2776, dworth@scottsdaleaz.gov

27. Scottsdale Center for the Performing Arts Renovation Construction Services Contract Modification – APPROVED ON CONSENT

Request: Adopt **Resolution No. 7647** authorizing CM@Risk Construction Services Contract Modification No. 2008-045-COS-A1 with Howard S. Wright Construction Company in the amount of \$2,000,000 for Phase 2 construction at the Scottsdale Center for the Performing Arts (SCPA).

Related Policies, References:

- On May 4, 2004, Council approved Architectural Services Contract No. 2004-030-COS with Douglas Architecture & Planning for master planning of facility improvements at SCPA and for preparation of construction documents for the planned restroom improvements.
- On June 21, 2005, Council approved Architectural Services Contract Modification No. 2004-030-COS-A1 for preparation of construction documents for Phase 1 SCPA improvements, including renovations of the atrium and box office.
- On July 11, 2006, Council awarded Architectural Services Contract No. 2006-087-COS to ZHA-VMS to provide facility-wide programming services, including developing concepts for possible theater improvements at the SCPA.
- On June 19, 2007, Council awarded CM@Risk Contract No. 2005-198-COS to Howard S. Wright Construction Company for design phase services for the Phase 1 renovation at the SCPA.
- On July 9, 2007, Council awarded CM@Risk Contract Modification No. 2005-198-COS-A1 to Howard S. Wright Construction Company for design phase services for the Virginia G. Piper Theater renovations at the SCPA.
- On March 18, 2008, Council awarded CM@Risk Contract No. 2008-045-COS to Howard S. Wright Construction Company for Phase 1 construction services for the atrium and box Office renovations at the SCPA.

Staff Contact(s): Dan Worth, Municipal Services General Manager, 480-312-2776, dworth@scottsdaleaz.gov

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28. **McCormick Stillman Park Model Railroad Exhibit Building Architectural Design Services Contract Modification – APPROVED ON CONSENT**
Request: Adopt **Resolution No. 7649** authorizing Architectural Services Contract Modification No. 2007-066-COS-A1 with Holly Street Studio in the amount of \$466,257 for the design of the McCormick Stillman Park Model Railroad Exhibit Building.
Related Policies, References: On May 22, 2007, Council approved Architectural Services Contract No. 2007-066-COS with Holly Street Studios for master planning and conceptual design for the McCormick Stillman Park Model Railroad Exhibit Building.
Staff Contact(s): Dan Worth, Municipal Services General Manager, 480-312-2776, dworth@scottsdaleaz.gov
29. **Citywide Sewer Line Rehabilitation Construction Services Job Order Contract – APPROVED ON CONSENT**
Request: Adopt **Resolution No. 7562** authorizing Job Order Contract No. 2008-061-COS with Insituform and Job Order Contract No. 2008-082-COS with Achen Gardner Engineering, LLC, for City-wide sewer line rehabilitation.
Related Policies, References: On February 5, 2008, Council approved Engineering Services Contract No. 2007-198-COS with Dibble Engineering for the design of sewer rehabilitation projects throughout the southern portion of the City.
Staff Contact(s): Dan Worth, Municipal Services General Manager, 480-312-2776, dworth@scottsdaleaz.gov
30. **Solid Waste Transfer Station Expansion Project Engineering Services Contract – APPROVED ON CONSENT**
Request: Adopt **Resolution No. 7614** authorizing Engineering Services Contract No. 2008-085-COS with HDR Engineering, Inc., in the amount of \$436,157 for the design of the Solid Waste Transfer Station expansion project.
Related Policies, References:
 - On July 27, 1995, Council approved Bid Award No. PB095-03 to Summit Builders for construction of the Solid Waste Transfer Station.
 - On March 21, 2000, Council approved amending the master municipal plan to allow for the expansion of the existing transfer station.**Staff Contact(s):** Dan Worth, Municipal Services General Manager, 480-312-2776, dworth@scottsdaleaz.gov
- ***30A. **Kyoto Restaurant Abandonment (18-AB-2006) – MOTION TO APPROVE – OK – 6/1 (RM)**
Request: Adopt **Resolution No. 7676** modifying the previously approved Resolution No. 7194 regarding abandonment of the 20-foot wide alley right-of-way situated between the Arizona Canal's south bank and the Kyoto Restaurant property, located at 7170 E. Stetson Drive.
Related Policies, References:
 - Resolution No. 7194, adopted July 9, 2007.
 - Case No. 107-DR-2005 approved the site plan and elevations for a new building to replace the existing Kyoto Restaurant building, subject to approval of an abandonment.**Staff Contact(s):** Connie Padian, Interim Planning and Development Services General Manager, 480-312-2664, cpadian@scottsdaleaz.gov; Lusía Galav, Current Planning Director, 480-312-2506, lgalav@scottsdaleaz.gov

Regular Agenda begins on the following page

How the Regular Agenda Works: The Council takes a separate action on each item on the Regular Agenda. If you wish to address the Council regarding any or all of the items on the Regular Agenda, please complete a Comment Card for each topic you wish to address and submit it to the City Clerk. Speakers will be given at least three minutes to speak per item. Additional time may be granted to speakers representing two or more persons. Cards for designated speakers and the persons they represent must be submitted together. **Comment cards must be submitted before public testimony has begun on any regular agenda or public hearing item.**

31. Nectar Conditional Use Permits (4-UP-2008 and 7-UP-2008) – MOTION TO APPROVE, FINDING A GENERAL CONFORMANCE WITH THE CONDITIONAL USE PERMIT CRITERIA – OK – 7/0

Requests:

1. Approve a Conditional Use Permit for a bar in an existing building on a 20,731± square-foot parcel with a Downtown/Office Residential Type 2, Planned Block Development Overlay, Downtown Overlay (D/OR-2, PBD/DO) zoning for Case No. 4-UP-2008.
2. Adopt **Resolution No. 7633** affirming the Conditional Use Permit for a bar and finding that the conditional use permit criteria have been met for Case No. 4-UP-2008.
3. Approve a Conditional Use Permit for live entertainment in an existing building on a 20,731± square-foot parcel with Downtown/Office Residential Type 2, Planned Block Development Overlay, Downtown Overlay (D/OR-2, PBD/DO) zoning for Case No. 7-UP-2008.
4. Adopt **Resolution No. 7634** affirming the Conditional Use Permit for live entertainment and finding that the conditional use permit criteria have been met for Case No. 7-UP-2008.

Location: 4252 N. Drinkwater Boulevard, Suite A

Related Policies, References: Zoning Ordinance, Downtown Plan

Staff Contact(s): Connie Padian, Interim Planning and Development Services General Manager, 480-312-2664, cpadian@scottsdaleaz.gov; Lusía Galav, Current Planning Director, 480-312-2506, lgalav@scottsdaleaz.gov

32. Nectar Bar Liquor License (28-LL-2008) – MOTION TO APPROVE – OK – 7/0

Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a person and location transfer of a Series 6 (bar) liquor license for an existing location with a new owner.

Location: 4252 N. Drinkwater Boulevard, Suite A

Staff Contact(s): Connie Padian, Interim Planning and Development Services General Manager, 480-312-2664, cpadian@scottsdaleaz.gov; Lusía Galav, Current Planning Director, 480-312-2506, lgalav@scottsdaleaz.gov

Mayor and Council Items begin on the following page

**33. Citizen Petition Requesting Referral of the Issue of Height and Density to a Public Vote –
MOTION TO ACCEPT THE PETITION AND DIRECT STAFF TO PLACE THE ISSUE OF HEIGHT AND DENSITY ON THE ELECTION
BALLOT – FAILED – 3/4 (MM, BD, WE, RM)**

Request: Consideration of, and possible action on, a citizen petition as provided for by the City Charter, asking the Council to refer the issue of allowing greater height and density than is currently permitted by zoning ordinance in the City to a public vote in the upcoming City elections. The petition was provided to the Council at the June 17, 2008 City Council meeting by Mr. Tom Giller.

Related Policies, Procedures: City Charter, Article 2, Section 16 states: “Consideration of petitions. Any citizen of the city may appear before the council at any regular meeting and present a written petition; such petition shall be acted upon by the council, in the regular course of business, within thirty (30) days.”

Staff Contact(s): Connie Padian, Interim Planning and Development Services General Manager, 480-312-2664, cpadian@scottsdaleaz.gov; Lusia Galav, Current Planning Director, 480-312-2506, lgalav@scottsdaleaz.gov

*****34. Legislative Update
(Removed)**

*****34A. Citizen Petition Requesting Denial of a Potential Private Development Project and Salt
River Project Substation Relocation at 68th Street and Indian School Road - VICE MAYOR**

**LITTLEFIELD REQUESTED THAT A RESOLUTION TO SRP STATING THAT THE COUNCIL DOES NOT SUPPORT THE
RELOCATION OF THE SUBSTATION BE AGENDIZED FOR COUNCIL DISCUSSION ON THE AUGUST 18, 2008 AGENDA**

Request: Consideration of, and possible action on, a citizen petition as provided for by the City Charter, asking the Council to “demand that any substation relocation to the aforementioned neighborhood [located at 68th Street and Indian School Road], as part of the above proposed project [Solis Scottsdale Hotel and residences, AKA Waterview], be rejected by Salt River Project and the project itself under the above terms be denied by the Council.”

Related Policies, Procedures: City Charter, Article 2, Section 16 states: “Consideration of petitions. Any citizen of the city may appear before the council at any regular meeting and present a written petition; such petition shall be acted upon by the council, in the regular course of business, within thirty (30) days.”

Staff Contact(s): David Ellison, Assistant City Manager, 480-312-4510, dellison@scottsdaleaz.gov

**35. Public Comment – BEVERLY HALL SPOKE ABOUT CITIZENS’ RIGHT TO PETITION THE COUNCIL AND THE COUNCIL’S
OBLIGATION TO LISTEN TO THE PETITIONS**

Citizens may complete one Request to Speak “Public Comment” card per night and submit it to the City Clerk before or during this evening’s meeting. Please check the box that refers to “Public Comment.”

This “Public Comment” time is reserved for citizen comments regarding non-agendized items. No official Council action can be taken on these items. **Speakers are limited to three minutes to address the Council during “Public Comment” time.**

**36. Acknowledgement and Scheduling Of Citizen Petitions – MOTION TO ACKNOWLEDGE RECEIPT OF
THE CITIZEN PETITION SUBMITTED BY MR. LAMAR WHITMER AND SCHEDULE IT FOR THE AUGUST 18, 2008
CITY COUNCIL MEETING – OK – 7/0**

Request: Acknowledge receipt of and schedule any citizen petitions submitted at the July 8, 2008 Council Meeting for the next City Council meeting that will be held in the regular course of business, which will be the first meeting following the summer break to be held on August 18, 2008.

Staff Contact(s): Carolyn Jagger, City Clerk, 480-312-2411, cjagger@scottsdaleaz.gov

Mayor and Council Items – NONE

Adjournment – 9:27 PM